

UNITED STATES DISTRICT COURT
EASTERN DISTRICT: NEW YORK

Case No. 18-CV-6613

SHKEYA RHODEN, and other similarly situated
current and former nurses and technician

Plaintiff,

- Against -

NIRANJAN MITTAL,
NIRANJAN K. MITTAL, PHYSICIAN, PLLC,
Defendant.

**REQUEST FOR CERTIFICATE OF
DEFAULT**

To: DOUGLAS C. PALMER
UNITED STATES DISTRICT COURT
EASTERN DISTRICT NEW YORK

Please enter the default of defendants NIRANJAN MITTAL, NIRANJAN K. MITTAL,
PHYSICIAN, PLLC, individually, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure
for failure to plead or otherwise defend this action as fully appears from the court file herein
from the attached affirmation of Jason Tenenbaum

Dated: January 15, 2019

/S/ Gregory Goodman

THE LAW OFFICE OF JASON TENENBAUM, P.C.

By: Jason Tenenbaum, Esq.
Attorneys for the Plaintiff
595 Stewart Avenue, Suite 400
Garden City, New York 11530
Tel: (516) 750-0595
Fax: (516) 414-2869

UNITED STATES DISTRICT COURT
EASTERN DISTRICT: NEW YORK

Case No. 18-CV-6613

SHAKYA RHODEN, and other similarly situated
current and former nurses and technician

Plaintiff,

- Against -

**DECLARATION IN SUPPORT OF
REQUEST FOR CERTIFICATE OF
DEFAULT**

NIRANJAN MITTAL,
NIRANJAN K. MITTAL, PHYSICIAN, PLLC,

Defendant.

DECLARATION OF JASON TENENBAUM

I, Jason Tenenbaum, declare under penalty of perjury, and pursuant to 28 U.S.C. § 1746, that the following is true and accurate:

1. I am a member of The Law Office of Jason Tenenbaum, counsel for Plaintiff(s) in this action.
2. This action was commenced pursuant to the Fair Labor Standards Act, U.S.C. § 201 et seq., New York Labor Law, New York Department of Labor Regulations and the New York City Administration Code (ADC 8-107[a]).
3. The time for Defendants NIRANJAN MITTAL, NIRANJAN K. MITTAL, PHYSICIAN, PLLC. individually, to answer or otherwise move with respect to the complaint herein has expired.
4. The Complaint was properly served on the non-corporate individual Defendants (“Individual Defendants”) in accordance with New York Law. See NY CPLR § 308.
5. The Individual Defendants have not answered or otherwise defended this action, and the time for Corporate Defendants to answer or otherwise defend the action has not been extended.
6. The Individual Defendants are not infants or incompetent. The individual Defendants are not presently in the military service of the United States as appears from facts in this litigation.

7. The Complaint was properly served on Corporate Defendants by serving copies of the summons and complaints through the State of New York Department of State. Such services was made pursuant to the applicable to law.

8. The Corporate Defendants have not answered or otherwise defended this action, and the time for Corporate Defendants to answer or otherwise defend the action has not been extended.

9. The Corporate Defendants are not infants or incompetent. The Corporate Defendants, as they are corporations, are not presently in the military service of the United States as appears from facts in this litigation.

10. The Defendants are indebted to Plaintiffs for: (a) their failure to properly compensate Plaintiffs for overtime wages; (b) their failure to provide adequate notices to Plaintiffs under the New York Labor Law § § 193 and 195; (c) Unpaid wages, consequential damages and punitive damages in accordance with the New York City Administrative Code.

WHEREFORE, Defendants default should be noted and a certificate of default issued. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief that the amount claimed is justly due to Plaintiffs, and that no part thereof has been paid.

Dated: January 15, 2019

/S/ Jason Tenenbaum

THE LAW OFFICE OF JASON TENENBAUM, P.C.

By: Jason Tenenbaum, Esq.

Attorneys for the Plaintiff

595 Stewart Avenue, Suite 400

Garden City, New York 11530

Tel: (516) 750-0595

Fax: (516) 414-2869

UNITED STATES DISTRICT COURT
EASTERN DISTRICT: NEW YORK

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**REQUEST FOR CERTIFICATE OF
DEFAULT**

- Against -

NIRANJAN MITTAL,
NIRANJAN K. MITTAL, PHYSICIAN, PLLC,

Defendant.

I, Douglas C. Palmer, Clerk of Court of the United States District Court for the Eastern District of New York, do hereby certify that the defendants NIRANJAN MITTAL, NIRANJAN K. MITTAL, PHYSICIAN, PLLC, have not filed an answer or otherwise moved with respect to the complaint herein. The default of the Defendants is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: January_____, 2019

DOUGLAS C. PALMER, Clerk of Court

By: _____
Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT: NEW YORK

Case No. 18-CV-6613

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- Against -

NIRANJAN MITTAL,
NIRANJAN K. MITTAL, PHYSICIAN, PLLC,

Defendant.

PURSUANT TO SECTION 130-1 OF THE RULES OF THE CHIEF ADMINISTRATOR (22 NYCRR) I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, FORMED AFTER AN INQUIRY REASONABLE UNDER THE CIRCUMSTANCES, THE WITHIN SUMMONS AND VERIFIED COMPLAINT ARE NOT FRIVOLOUS

/s/ Jason Tenenbaum

By: Jason Tenenbaum, Esq.

Notice Pursuant to CPLR 2103(5) declining service by electronic transmittal

NOTICE OF DEFAULT

THE LAW OFFICE OF JASON TENENBAUM, P.C.

Attorneys for the Plaintiff

By: Jason Tenenbaum, Esq.

Attorneys for the Plaintiff

595 Stewart Avenue, Suite 400

Garden City, New York 11530

To:

Attorney for defendant

Service of a copy of the within SUMMONS AND COMPLAINT is hereby admitted.

Dated:

Attorney for Defendant